

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 201908868	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/08/2019 5:00 PM, Wednesday, 10/09/2019 9:15 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 4/8/2021	EO SOL 11/23/2021	
Date/Time CV Reported Wed, 10/09/2019 2:28 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/09/2019 2:28 PM		
Complainant/Victim	Type	Home Address			
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)			
Witness(es)	Home Address				
§ 87(2)(b)	§ 87(2)(b)				
§ 87(2)(b)	§ 87(2)(b)				
§ 87(2)(b)	§ 87(2)(b)				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Kenny Kowlessar	24519	957748	067 PCT		
2. SGT David Grieco	03830	940216	INT CIS		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Jessica Quiros	24054	951101	067 PCT		
2. POM Jason Strum	05809	963769	067 PCT		
3. POM Eric Stoll	30364	954354	067 PCT		
4. POM Salvatore Mattaliano	20729	963144	067 PCT		
5. POM Michael Bresnahan	9357	952489	067 PCT		
6. POF Djenane Pierre	02093	954238	067 PCT		
7. LT Chancellor Bishop	00000	936210	067 PCT		
8. POM Daniel Hall	00731	950552	067 PCT		
9. POM Kevin Hunter	15253	954951	067 DET		
10. SGT Allen Kirmss	00000	948421	017 PCT		
Officer(s)	Allegation	Investigator Recommendation			
A.SGT David Grieco	Abuse: On October 8, 2019, Sergeant David Grieco entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)			
B.SGT David Grieco	Abuse: On October 8, 2019, Sergeant David Grieco searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)			
C.POM Kenny Kowlessar	Abuse: On October 9, 2019, Police Officer Kenny Kowlessar entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)			

Case Summary

On October 9, 2019, § 87(2)(b) filed this complaint over the phone with the CCRB.

On October 8, 2019, at approximately 5:00 p.m., Police Officer Kenny Kowlessar, Police Officer Jessica Quiros, Sergeant Allen Kirmss, all of the 67th Precinct, and Sergeant David Grieco, of the Intelligence Unit, responded to a “shot spotter” activation at § 87(2)(b) in Brooklyn. After arriving and investigating the possibility of a gun being fired in the area, including speaking with § 87(2)(b) § 87(2)(b) and § 87(2)(b) Sgt. Kirmss and Sgt. Grieco decided to “freeze” the location to get a search warrant.

After leaving the location, PO Kowlessar and PO Quiros returned to § 87(2)(b) that same day at approximately 9:05 p.m. to conduct a “sweep” of the location under the supervision of Sgt. Grieco (**Allegation A: Abuse of Authority – Entry of Premises**, § 87(2)(g) (**Allegation B: Abuse of Authority – Search of Premises**, § 87(2)(g) § 87(2)(g)

On October 9, 2019, PO Kowlessar obtained a search warrant and officers returned to the location at approximately 9:15 p.m. and conducted a full search of § 87(2)(b) (**Allegation C: Abuse of Authority – Entry of Premises**, § 87(2)(g) § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) were arrested for criminal possession of a weapon (**Board Review 01**). Body worn camera footage was obtained in relation to this incident (**Board Review 02**) (**Board Review 03**).

Findings and Recommendations

Allegation (A) Abuse of Authority: On October 8, 2019, Sergeant David Grieco entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: On October 8, 2019, Sergeant David Grieco searched § 87(2)(b) in Brooklyn.

It is undisputed that officers responded to a 911 call generated by a “shot-spotter,” which detects gunfire frequencies in a geographical area. After the officers arrived and investigated, § 87(2)(b) was stopped and arrested outside of § 87(2)(b) in Brooklyn, at the intersection of Schenectady Avenue and Clarendon Road, and § 87(2)(b) was arrested outside, in the driveway of the home (**Board Review 01**). They were both arrested in relation to the investigation and the location was “frozen” – stopping civilian to access the home.

It is undisputed that approximately four hours after freezing the location, PO Kowlessar and PO Quiros returned to § 87(2)(b) entered, and conducted a plain view search of the entire home without a search warrant (**Board Review 04**).

It is also undisputed that Sgt. Grieco was the Field Intelligence Officer assigned to the 67th Precinct and he was present to assist with the investigation. Finally, it is undisputed that between the time the location was “frozen”, and the time PO Kowlessar and PO Quiros returned to conduct a sweep, NYPD officers were positioned around the home at entries/exits to secure the location.

In a phone statement to the CCRB, § 87(2)(b) § 87(2)(b) husband, stated that he arrived at the location after § 87(2)(b) was arrested, and as § 87(2)(b) was being arrested (**Board Review 05**). Hours later, § 87(2)(b) was not at the location and while he was outside of the home, PO Kowlessar and PO Quiros arrived at the location and entered the home. He did not give them permission to enter.

PO Kowlessar stated that he and PO Quiros left the scene after their initial investigation at the incident location and returned to the 67th Precinct stationhouse (**Board Review 06**). That same day, at approximately 9:30 p.m. PO Kowlessar returned to § 87(2)(b) with PO Quiros to conduct a “walk-through” of the location for “safety reasons” on the instruction of a supervisor, whose identity PO Kowlessar did not recall. The purpose of the walkthrough was to ensure no one was inside at that time who could take property out of the location or anyone inside that may have been injured.

PO Kowlessar did not state that he believed anyone was associated with or at the location other than § 87(2)(b) the owner of the home, § 87(2)(b) § 87(2)(b) daughter, and § 87(2)(b) § 87(2)(b) son-in-law.

PO Quiros provided a statement about returning to the location that was generally consistent with PO Kowlessar (**Board Review 07**). She did not recall which supervisor instructed them to return to the location but added that such instructions come from the FIO's office. The officers entered the location to ensure it was secured.

PO Quiros did not state that she believed anyone was associated with or at the location other than § 87(2)(b) § 87(2)(b) and § 87(2)(b).

During his CCRB interview, Sgt. Grieco stated that the decision was made to "freeze" § 87(2)(b) until a search warrant was obtained (**Board Review 08**). Sgt. Grieco intended on calling ESU to secure dogs that were inside of the home so that the location may be "cleared," but § 87(2)(b) asked to go in and secure the dogs, which he allowed. Sgt. Grieco stood at the entry way of the home as § 87(2)(b) did so. She secured all the dogs but one, which she brought out with his permission. After the location was fully frozen, it was "cleared" for safety purposes.

Sgt. Grieco clarified that "clearing" the location consists of a plain view search of the home for additional individuals or threats to officers. He did not recall if he gave the instruction to officers to clear the location; however, it is an instruction that he gives to officers in situations where he is present for the freezing of a location until a search warrant is obtained.

Sgt. Grieco did not state there was reason to believe anyone was inside of the home while the location was frozen.

Also, during Sgt. Grieco's CCRB interview, he was informed that the investigation determined the location was not "cleared" while officers were at the location initially. Rather, PO Kowlessar and PO Quiros returned to the location hours later to do so. This did not refresh his recollection as to the exact timeline of events during the incident in question.

Police Officer Jason Strum's BWC video from October 8, 2019, captures § 87(2)(b) tell officers on scene that no other individuals were inside the home while she was standing outside and before she was placed under arrest (**Board Review 09**). She stated that there are only dogs and cats in the home.

Given that none of the officers stated they believed anyone to be inside or associated with the home other than the accounted for civilians, § 87(2)(b) explicitly told officers that no others were inside after she was taken out, and hours passed with the home under NYPD supervision before PO Kowlessar and PO Quiros conducted the sweep, § 87(2)(g)

People v. Fields, 45 N.Y.2d 986 (1978) (**Board Review 10**). When an arrest outside of an apartment was proper and there was not a need to enter to make any arrests, an ensuing search of the apartment was not proper because there was no evidence to suggest the presence of any other persons in the apartment to justify the search for the protection of the police officers against a hidden assailant. Once the arrests are completed, there was no significant danger that any existing contraband would be destroyed. No general rummaging search without a warrant was permissible.

§ 87(2)(g)

Allegation (C) Abuse of Authority: On October 9, 2019, Police Officer Kenny Kowlessar entered § 87(2)(b) in Brooklyn.

§ 87(2)(b)

§ 87(2)(b) upon the request of PO Kowlessar to enter § 87(2)(b) and the adjacent garage without notice, to conduct a full search for a handgun at "anytime day or night" (**Board Review 11**).

It is undisputed that on October 9, 2019, at approximately 9:15 p.m., PO Kowlessar and additional officers of the 67th Precinct and the 67th Precinct Field Intelligence Office executed search warrant number § 87(2)(b) § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- Sgt. Grieco has been a member of service for 15 years and has been named a subject in 42 other CCRB complaints and 123 other allegations, of which 12 have been substantiated:
 - #201111996 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against Sgt. Grieco. The Board recommended Command Discipline. The NYPD imposed Instructions.
 - #201207718 involved a substantiated Abuse of Authority: Stop allegation against Sgt. Grieco. The Board recommended Charges and Specifications. The NYPD imposed forfeiture of one vacation day.
 - #201405351 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against Sgt. Grieco. The Board recommended Charges and Specifications. Sgt. Grieco was found not guilty at trial, and no discipline was imposed.
 - #201800398 involved substantiated Abuse of Authority: Vehicle stop, Vehicle search, Search of person, and Threat of summons allegations against Sgt. Grieco. The Board recommended Charges and Specifications. The NYPD imposed forfeiture of 10 vacation days.
 - #201901422 involved a substantiated Abuse of Authority: Threat of force allegation against Sgt. Grieco. The Board recommended Formalized Training. The NYPD imposed Instructions.
 - #201903162 involved four substantiated allegations of Abuse of Authority: Other, supervising improper arrests against Sgt. Grieco. The Board recommended Formalized training. The NYPD imposed Formalized Training.
- PO Kowlessar has been a member of service for six years and has been a subject in one other CCRB complaint and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest/unlawful seizure, fabrication of evidence, negligent hiring and supervision by the NYPD, emotional injury, mental anguish, and more, and seeking \$100,000 as redress (**Board Review 12**). There is no 50H hearing scheduled.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest/unlawful seizure, fabrication of evidence, negligent hiring and supervision by the NYPD, psychological and emotional injury, mental anguish, and more. The claim seeks damages set by a jury as redress (**Board Review 12**). There is no 50H hearing scheduled.
- As of February 16, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed on behalf of § 87(2)(b) in regards to this complaint (**Board Review 12**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad: 09

Investigator: Wassim Abedrabbo SI Wassim Abedrabbo 9/27/2021
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 08/27/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date